



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

Petitioner: Parrish M. Galliher and Valerie Mason
Case No.: 811A
Date Filed: May 17, 2012

TOWN OF LITTLETON
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The Littleton Board of Appeals conducted a public hearing on June 6, 2012 at the Municipal Building, Shattuck Street, Littleton, MA on the Application of Parrish M. Galliher and Valerie Mason for an approval for the installation of a new fence to be greater than 25 feet from the edge of a swimming pool at 28 Old Pickard Lane under the Code of the Town of Littleton, Section 152-1. Notice was given by publication on May 22 and 29, 2012 in the Lowell Sun, a newspaper circulated in Littleton, and by mail to all abutters and parties in interest. Present and voting were: William Farnsworth, Acting Chair, John Cantino, Jeff Yates, Cheryl Hollinger, Members and Alan Bell, Alternate Member. Present and not voting was Rod Stewart, Alternate Member.

Parrish Galliher and Valerie Mason presented the application which included a deed for the property, copy of photos around the yard and pool, and a Plot Plan dated 4-24-00 showing the location of the new fence. Mr. Galliher explained that there is an old perimeter wood property fence and a chain link pool fence that he would like to replace with a new 5 foot high aluminum perimeter fence. Portions of the fence will be greater than 25 feet from the edge of the pool. The fence, once completed, will be in compliance with the requirements of the State Building Code for pools. There were no persons in attendance in opposition or support to this application.

FINDINGS

The Board made the following findings:

1. Section 152-1 is in the Code of the Town of Littleton, a general code, not a zoning bylaw. The code section states; "... such fence or structure shall not be more than twenty-five (25) feet from the outside edge of the pool apron, unless otherwise approved by the Zoning Board of Appeals."
2. There is no supporting documentation as to the reasoning of the requirement.
3. The fence and house will provide safety barriers to the pool as required under the State Building Code.

DECISION

The Board voted unanimously to GRANT APPROVAL for the fence to be more than 25 feet from the apron of the pool provided the pool barrier meets the requirement of the 8th edition IRC Appendix G w/Massachusetts amendments (State Building Code for pool barriers), the fence location as shown on the plan submitted 6/6/2012.

Signed Jeff Yates
Jeff Yates, Clerk

Date 6/21/12